

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Keith Skubitz et al. Art Unit : Unknown
Serial No. : 10/069,605 Examiner : Unknown
Filed : February 26, 2002
Title : PEPTIDES CAPABLE OF MODULATING THE FUNCTION OF CD66
(CEACAM) FAMILY MEMBERS

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR §1.181 TO RECOGNIZE THE ATTACHED NOVEMBER 3,
2004 FILING**

Applicants submit that the attached Response to Restriction Requirement and Petition to Revive Application were faxed to the U.S. Patent & Trademark Office on November 3, 2004. Applicants only recently became aware of the fact that the U.S. Patent & Trademark Office has no record of receiving the attached Response to Restriction Requirement or the Petition to Revive Application. Therefore, the above-referenced application remains abandoned as per the Notice of Abandonment mailed July 7, 2004.

Applicants hereby petition that the November 3, 2004 filing be recognized and, as per requested in the attached Petition to Revive Application under 37 CFR §1.137, that the Notice of Abandonment be withdrawn and the application revived.

As required under 37 CFR §1.8(b)(1), Applicants became aware that the Office had no record of receiving the attached Response to Restriction Requirement and Petition to Revive Application within the last 10 business days and are promptly informing the Office of such knowledge.

As required under 37 CFR §1.8(b)(2), Applicants provide the attached documents to demonstrate the November 3, 2004 filing.

a) A copy of the Response to Restriction Requirement, including an executed Certificate of Transmission by Facsimile signed by Jill Huso on November 3, 2004. The Response to Restriction Requirement included a statement that any fees should be applied to Deposit Account No. 06-1050.

b) A copy of the Petition to Revive Application, including an executed Certificate of Transmission by Facsimile signed by Jill Huso on November 3, 2004. The Petition to Revive Application included a statement that the Petition fee of \$1330 as well as any other fees should be applied to Deposit Account No. 06-1050.

c) A report from the facsimile sending unit confirming transmission of the November 3, 2004 facsimile to the U.S. Patent and Trademark Office.

As required under 37 CFR §1.8(b)(3), a statement by M. Angela Parsons is attached attesting to the November 3, 2004 filing.


Based on the attached documents, Applicants respectfully submit that the Response to Restriction Requirement and the Petition to Revive Application were appropriately filed on November 3, 2004. Applicants respectfully request that the Petition to Revive Application be acted on and the Notice of Abandonment withdrawn, and that the claims of the application be examined based upon the election in the attached Response to Restriction Requirement.

Please apply the Petition fee of \$130 as well as any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date:

July 24, 2006


M. Angela Parsons, Ph.D.
Reg. No. 44,282

Fish & Richardson P.C.
60 South Sixth Street, Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 4900
CONNECTION TEL #04815#15712730025
CONNECTION ID
ST. TIME 11/03 15:27
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Attorney's Docket No.: 09531-203US1
Client's Ref. No.: Unknown

OFFICIAL COMMUNICATION FACSIMILE:

OFFICIAL FAX NO: (571) 273-0025 04815

Number of pages including this page 3

Applicant : Keith Skubitz et al.
Serial No. : 10/069,605
Filed : February 26, 2002

Art Unit : 1647
Examiner : Sharon L. Turner

Title : Peptides Capable of Modulating the Function of CD66 (CEACAM) Family Members


MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attached to this facsimile communication cover sheet are a Petition to Revive Application under 37 CFR §1.137(b) and a Response to Restriction Requirement, faxed this 3rd day of November, 2004, to the United States Patent and Trademark Office.

Respectfully submitted,

Date: November 3, 2004


Ann S. Viksnins
Reg. No. 37,748

PTO Customer No.: 26191
Fish & Richardson P.C., P.A.
60 South Sixth Street
Suite 3300
Minneapolis, MN 55402

OFFICIAL COMMUNICATION FACSIMILE:

OFFICIAL FAX NO: (571) 273-0025

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Number of pages including this page 3

Applicant : Keith Skubitz et al.
Serial No. : 10/069,605
Filed : February 26, 2002

Art Unit : 1647
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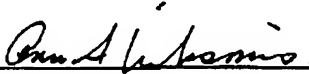
Title : Peptides Capable of Modulating the Function of CD66 (CEACAM) Family Members

MAIL STOP PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Date: November 3, 2004


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Keith Skubitz et al. Art Unit : 1647
Serial No. : 10/069,605 Examiner : Sharon L. Turner
Filed : February 26, 2002
Title : PEPTIDES CAPABLE OF MODULATING THE FUNCTION OF CD66
(CEACAM) FAMILY MEMBERS

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO REVIVE APPLICATION UNDER 37 CFR §1.137(b)

Applicant hereby petitions under 37 CFR §1.137(b) to revive the above application, which was abandoned on July 7, 2004 for failure to respond to the Office Action mailed November 6, 2003.


Enclosed is 1) a proposed response to the Restriction Requirement to continue prosecution of the application and 2) please apply the amount of \$1330 in payment of the petition fee by a large entity as set forth in 37 CFR §1.17(m) to Deposit Account No. 06-1050.

Applicant submits that the entire period of delay was unintentional.

Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 3 November 2004


Ann S. Viksnins
Reg. No. 37,748


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CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

November 3, 2004

Date of Transmission


Signature

Jill Huso

Typed or Printed Name of Person Signing Certificate

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Keith Skubitz et al. Art Unit : 1647
Serial No. : 10/069,605 Examiner : Sharon Turner
Filed : February 26, 2002 Conf. No. : 3442
Title : PEPTIDES CAPABLE OF MODULATING THE FUNCTION OF CD66
(CEACAM) FAMILY MEMBERS

Mail Stop Petitions

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT BY M. ANGELA PARSONS UNDER 37 CFR §1.8(b)(3)

I, M. Angela Parsons, personally declare that:

1. A Response to Restriction Requirement and a Petition to Revive (copies enclosed) were filed with the U.S. Patent and Trademark Office by Ann Viksnins, the attorney of record, via facsimile on November 3, 2004. The Response to Restriction and the Petition to Revive Application were transmitted to fax number (571) 273-0025 and, as demonstrated by the attached report from the facsimile sending unit, confirmation of successful transmission of the facsimile was received.

2. Ann Viksnins is no longer with Fish & Richardson P.C. Ann Viksnins left Fish & Richardson, P.C. in April, 2005. I took over prosecution of any applications that Ann Viksnins did not take with her when she left Fish & Richardson P.C.

3. During a routine audit by the Docketing Department at Fish & Richardson, P.C., the above-referenced application was flagged due to a lack of activity. The Docketing Department contacted me on June 30, 2006 so that I could determine the status of the application.

4. I reviewed the file history of the above-referenced application in PAIR, which indicated that the application was abandoned. In addition, the file history in PAIR did not reflect the November 3, 2004 filing (i.e., the Response to Restriction Requirement and the Petition to Revive Application).

5. Upon placing a telephone call to the Examiner, the Examiner confirmed that there was no record of the Response to Restriction Requirement and the Petition to Revive Application being received by the U.S. Patent and Trademark Office.

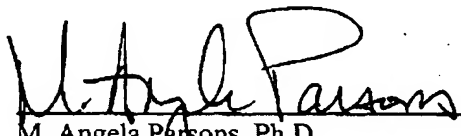
6. I then determined that the \$1330 fee for the Petition to Revive Application was never charged to the Fish & Richardson Deposit Account as was instructed in the November 3, 2004 filing.

7. Upon making these determinations, I promptly prepared the instant Declaration and the attached Petition for submission to the U.S. Patent & Trademark Office requesting that the November 3, 2004 filing be recognized.

Respectfully submitted,

Date:

July 24, 2006


M. Angela Parsons, Ph.D.
Reg. No. 44,282

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